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Candis Brockway, Sheryl Foster,
Jonathan Perry, and Ashley Randolph*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CHRISTOPHER A. JONES,
Plaintiff,

vs.

BRUCE BANNISTER, et al.,
Defendants.

Case No. 3:16-cv-00399-MMD-VPC

**DEFENDANTS' MOTION FOR
ENLARGEMENT OF TIME TO RESPOND
TO DISCOVERY**

Defendants, Romeo Aranas, Isidro Baca, Candis Brockway, Sheryl Foster, Jonathan Perry, and Ashley Randolph, by and through counsel, Adam Paul Laxalt, Attorney General of the State of Nevada, and Benjamin R. Johnson, Deputy Attorney General, hereby move for an enlargement of time to serve discover responses. This is Defendants' first request for an enlargement of time. This motion is based on the following Memorandum of Points and Authorities and all papers and pleadings on file herein.

MEMORANDUM OF POINTS AND AUTHORITIES

I. LAW AND ARGUMENT

On November 1, 2017, Plaintiff served approximately sixteen separate discovery requests to Defendants. These requests included interrogatories, requests for admissions, and requests for production of documents. Some requests had over 100 separate requests for admission for a single defendant. Due to the sheer volume of discovery requests, additional time is necessary to respond to discovery.

1 FED. R. CIV. P. 6(b)(1) governs enlargements of time and provides as follows:

2 When an act may or must be done within a specified time, the court may,
3 for good cause, extend the time: (A) with or without motion or notice if
4 the court acts, or if a request is made, before the original time or its
extension expires; or (B) on motion made after the time has expired if the
party failed to act because of excusable neglect.

5 The proper procedure, when additional time for any purpose is needed, is to present a request
6 for extension of time before the time fixed has expired. *Canup v. Mississippi Val. Barge Line Co.*, 31
7 F.R.D. 282 (W.D.Pa. 1962). Extensions of time may always be asked for, and usually are granted on a
8 showing of good cause if timely made under subdivision (b)(1) of the Rule. *Creedon v. Taubman*, 8
9 F.R.D. 268 (N.D. Ohio 1947).

10 Defendants seek an enlargement of time to -serve responses to discovery. Good cause exists to
11 extend the time to file this motion. Counsel and the paralegal assigned to the Attorney General's Office
12 have been preparing for a week long jury trial set to commence on December 5, 2017, in Case No.
13 3:13-cv-00433-MMD-WGC. Counsel has been heavily engaged in trial preparation and additional time
14 is necessary to complete the discovery responses in this case. Counsel and the assigned paralegal have
15 been unable to coordinate responses with the named parties. Defendants request an additional extension
16 of thirty days to serve discovery responses, up to and including, December 29, 2017.

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1 **II. CONCLUSION**

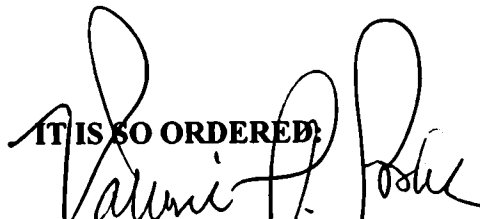
2 Based on the foregoing, Defendants respectfully request their motion for enlargement of time is
3 granted and the deadline for serving discovery responses be extended to December 29, 2017.

4 DATED this 29th day of November, 2017.

5 ADAM PAUL LAXALT
6 Attorney General

7 By: 
8 BENJAMIN R. JOHNSON
9 Deputy Attorney General
10 State of Nevada
11 Bureau of Litigation
12 Public Safety Division

Attorneys for Defendants

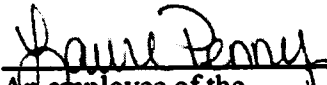
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14 **IT IS SO ORDERED:**
15 **U.S. MAGISTRATE JUDGE**

16 DATED: November 30, 2017
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CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 29th day of November, 2017, I caused to be served a copy of the foregoing, **DEFENDANTS' MOTION FOR ENLARGEMENT OF TIME TO RESPOND TO DISCOVERY**, by U.S. District Court CM/CFE Electronic Filing on:

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Office of the Attorney General